

EXHIBIT G

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10 KELVIN D. DANIEL, et al

11 Plaintiffs,

12 v.
13 SWIFT TRANSPORTATION
14 CORPORATION,

15 Defendant.

Case No. 2:11-cv-01548-PHX-ROS

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18 DEFENDANT SWIFT
TRANSPORTATION CO. OF
ARIZONA, LLC'S ELEVENTH
SUPPLEMENTAL DISCLOSURE
STATEMENT

19 Assigned to: Hon. Roslyn O. Silver

20 Pursuant to Fed. R. Civ. Proc. 16(a), Defendant Swift Transportation Co. of
Arizona, LLC ("Swift"), by and through undersigned counsel, hereby submits its Eleventh
Supplemental Disclosure Statement.

21 PRELIMINARY STATEMENT

22 The content of this Disclosure Statement represents the information currently
23 known by Swift and is therefore provisional and subject to supplementation, amendment,
24 explanation, change, and amplification. It is not intended to represent all evidence that
25 Swift will present at trial; rather, Swift may supplement as further information is obtained
26 through discovery. The reason for the provisional nature of the statement is that Swift is
27 not fully aware of Plaintiffs' allegations and damages at this time.

1 Swift makes the following disclosure subject to and without waiving its right to
 2 protect from disclosure: (a) any and all communications protected by the attorney-client
 3 privilege; (b) any and all work product conclusions, opinions, or legal theories of Swift's
 4 attorneys or other representatives concerning this litigation; and (c) any and all
 5 confidential information.

6 Swift further reserves all objections to the introduction of the documents and
 7 testimony of witnesses identified below at any hearing or trial, or in any motion, in this
 8 lawsuit. This Preliminary Statement applies to each and every response provided in this
 9 Fourth Supplemental Disclosure Statement and is incorporated by reference as though
 10 fully set forth in all responses that follow. If any part of this statement is ever read to the
 11 Court or jury, fairness requires that this Preliminary Statement also be read to indicate
 12 that, at the time it was filed, only limited information had been acquired. All
 13 supplemental information is in **bold**.

14 **I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION**
THAT SWIFT MAY USE TO SUPPORT ITS CLAIMS OR DEFENSES

16 As this litigation is in the early stages of discovery, Swift reserves the right to
 17 supplement this portion of its Disclosure Statement. No one has been deposed by any
 18 party as of the date of this Disclosure Statement. Swift can tentatively identify the
 19 following individuals:

- 20 1. Kelvin D. Daniel
 21 Plaintiff
 c/o Stumphauzer, O'Toole

22 Mr. Daniel is expected to testify regarding the allegations contained in the
 23 Complaint, his application process, orientation, his criminal history and disclosure of
 24 same, and Swift's treatment of him consistent with the requirements of the Fair Credit
 25 Reporting Act ("FCRA").

- 26 2. Tanna Hodges
 27 Plaintiff
 c/o Stumphauzer, O'Toole

1 Ms. Hodges is expected to testify regarding the allegations contained in the
2 Complaint, her application process, her criminal history and disclosure of same, and
3 Swift's treatment of her consistent with the requirements of the Fair Credit Reporting Act
4 ("FCRA").

5 3. Robert R. Bell, Jr.
6 Plaintiff
7 c/o Stumphauzer, O'Toole

8 Mr. Bell is expected to testify regarding the allegations contained in the Complaint,
9 his application process, orientation, his criminal history and disclosure of same, and
10 Swift's treatment of him consistent with the requirements of the Fair Credit Reporting Act
11 ("FCRA").

12 4. Shawn Driscoll, Director of Security
13 c/o John F. Lomax, Jr., Snell & Wilmer
14 One Arizona Center
15 400 E. Van Buren
16 Phoenix, AZ 85004-2202
17 (602) 382-6305

18 Mr. Driscoll is expected to testify regarding Swift's screening of job applicants
19 with criminal histories, his knowledge of Plaintiffs' application process and the
20 allegations contained in the First Amended Complaint. More specifically, Mr. Driscoll is
21 expected to testify about how Swift uses criminal background reports, the company's
22 relationship with HireRight, what criteria Swift uses to qualify and disqualify candidates,
23 the various forms Swift has used since August 2006 to obtain authorizations to conduct
24 background searches on applicants and how Swift communicates with applicants and
25 other Swift employees about the background information it collects on applicants, the various
26 ways, stages, and reasons why a candidate can be disqualified. He will also testify about
27 the types of situations where he becomes involved personally in the candidate review
28 process.

1 5. Gary Fitzsimmons, Vice-President of Security
2 c/o John F. Lomax, Jr., Snell & Wilmer
3 One Arizona Center
4 400 E. Van Buren
5 Phoenix, AZ 85004-2202
6 (602) 382-6305

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16 Mr. Fitzsimmons is expected to testify regarding Swift's screening of job
17 applicants with criminal histories, his knowledge of Plaintiffs' application process and the
18 allegations contained in the First Amended Complaint. More specifically, Mr.
19 Fitzsimmons is expected to testify about how Swift uses criminal background reports, the
20 function, operation, and purpose of the Security Department, what criteria Swift uses to
21 qualify and disqualify candidates, the various forms Swift has used since August 2006 to
22 obtain authorizations to conduct background searches on applicants and how Swift
23 communicates with applicants and other Swift employees about the background
24 information it collects on applicants, the various times and ways Swift security can get
25 involved in the hiring process, the various ways, stages, and reasons why a candidate can
26 be disqualified. He will also testify about the types of situations where he becomes
27 involved personally in the candidate review process.

28 6. Angelica Flores, Security
1 c/o John F. Lomax, Jr., Snell & Wilmer
2 One Arizona Center
3 400 E. Van Buren
4 Phoenix, AZ 85004-2202
5 (602) 382-6305

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21 Ms. Flores is expected to testify regarding Swift's screening of job applicants with
22 criminal histories, her knowledge of Plaintiffs' application process and the allegations
23 contained in the First Amended Complaint. More specifically, Ms. Flores is expected to
24 testify about how Swift uses criminal background reports, what criteria Swift uses to
25 qualify and disqualify candidates, the various forms Swift has used since August 2006 to
26 obtain authorizations to conduct background searches on applicants and how Swift
27 communicates with applicants and other Swift employees about the background
28 information it collects on applicants, the various times and ways Swift security can get

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1 involved in the hiring process, the various ways, stages, and reasons why a candidate can
2 be disqualified. She will also testify about the types of situations where she becomes
3 involved personally in the candidate review process.

4 7. Michelle Cordova, Regional Recruiting Manager
5 c/o John F. Lomax, Jr., Snell & Wilmer
6 One Arizona Center
7 400 E. Van Buren
8 Phoenix, AZ 85004-2202
9 (602) 382-6305

10 Ms. Cordova is expected to testify regarding her knowledge of Swift's application
11 process for drivers, driver applicants who apply in-person versus not in-person, the
12 various ways a candidate may apply to Swift, the DOT requirements for a candidate for a
13 driving position, Swift's requirements for a candidate for a driving position, the
14 Recruiting Department, its purpose, operations, and duties, the number and locations of
15 recruiters involved in recruiting and hiring drivers, the interactions and ways of
16 communicating with applicants, what processors do as part of the application process,
17 how the recruiters work with the Security Department and what information is exchanged
18 between them, how the recruiters work with HireRight, the various forms Swift has used
19 since August 2006 to solicit, recruit, and qualify candidates for hiring including the
20 applications, on-line questionnaires, the timing and procurement of consumer reports, the
21 types of information available and not available to recruiters, how Swift handles
22 candidates for rehire, and the situations in which Swift may order more than one report on
23 the same person. In general terms, Ms. Cordova may also testify about offers Swift makes
24 to applicants for drivers, why some of those offers are not accepted, and what information
25 recruiters rely on to determine whether candidates are qualified to become drivers.

26 8. Douglas Driscoll, Recruiting
27 c/o John F. Lomax, Jr., Snell & Wilmer
28 One Arizona Center
29 400 E. Van Buren
30 Phoenix, AZ 85004-2202
31 (602) 382-6305

1 Mr. Driscoll is expected to testify regarding his knowledge of Swift's application
2 process, the work recruiters do, the types of information available and not available to
3 recruiter, the communications recruiters have with applicants, the various ways a
4 candidate may apply to Swift, Swift's pre-qualification process, the DOT requirements for
5 a candidate for a driving position, Swift's requirements for a candidate for a driving
6 position, the various form Swift has used since August 2006 to solicit, recruit, and qualify
7 candidates for hiring including the application, on-line questionnaires, the timing and
8 procurement of consumer reports, how Swift handles candidates for rehire, the situations
9 in which Swift may order more than one report on the same person, how a recruiter works
10 with the Security Department and what information is exchanged between them. He will
11 also testify about his interactions and involvement in the recruitment of Kelvin Daniel.

12 9. Chad Bumgarner
13 c/o John F. Lomax, Jr., Snell & Wilmer
14 One Arizona Center
15 400 E. Van Buren
16 Phoenix, AZ 85004-2202
17 (602) 382-6305

18 Mr. Bumgarner is expected to testify regarding Swift's orientation process, his role
19 in that process, and Mr. Daniel's voluntary disclosure of criminal convictions during
20 orientation that prompted an interview with Swift's security department and ultimately his
21 disqualification from employment at Swift.

22 10. Pat Ahern
23 c/o John F. Lomax, Jr., Snell & Wilmer
24 One Arizona Center
25 401 E. Van Buren
26 Phoenix, AZ 85004-2202
27 (602) 382-6305

28 Mr. Ahern is the Director of Talent Acquisition and Development for Swift. He is
29 expected to testify regarding his knowledge of Swift's application process for non-drivers,
30 the general number of non-driver applicants, the various ways a candidate may apply to
31 Swift, the various types of positions for which he has responsibility and who is involved
32 in those hiring decisions, Swift's requirements for a candidate for a position, his

1 department, its purpose, operations, and duties, how that department works with the
2 Security Department and what information is exchanged between them, how that
3 department works with HireRight, the various forms Swift has used since August 2006 to
4 solicit, recruit, and qualify candidates for hiring including the applications, on-line
5 questionnaires, the timing and procurement of consumer reports, the types of information
6 available and not available to his department, and how Swift handles candidates for rehire.
7 In general terms, Mr. Ahern may also testify about the number of non-driver candidates
8 hired by Swift, the number of non-driver candidates offered positions with Swift, why
9 offers are not accepted, what information his department relies on to determine whether
10 candidates are qualified to become employees.

11 **11.** Bernice Ruiz
12 c/o John F. Lomax, Jr., Snell & Wilmer
13 One Arizona Center
14 400 E. Van Buren
15 Phoenix, AZ 85004-2202
16 (602) 382-6305

17 Ms. Ruiz worked in the Security Department and can testify about her interview of
18 Mr. Daniel on January 27, 2011 and the circumstances that led to that interview and what
19 followed that interview.

20 **12.** Patricia Ramos
21 c/o John F. Lomax, Jr., Snell & Wilmer
22 One Arizona Center
23 400 E. Van Buren
24 Phoenix, AZ 85004-2202
25 (602) 382-6305
26 M

27 Ms. Ramos worked in the Security Department and can testify about her interview
28 of Ms. Hodges on December 14, 2009 and the circumstances that led to that interview and
29 what followed that interview. --

30 **13.** Tammy Ferguson
31 c/o John F. Lomax, Jr., Snell & Wilmer
32 One Arizona Center
33 400 E. Van Buren
34 Phoenix, AZ 85004-2202
35 (602) 382-6305

1 Ms. Ferguson is a recruiter for Swift. She ordered the DAC report for Mr. Daniel
2 and can testify to that process.

3 **14. Charlie Anderson**
4 **741 Robin St.**
5 **Alandale, SC 92810**

6 **Mr. Anderson may testify consistent with his declaration.**

7 **15. Jesse L. Barger**
8 **1309 Mallard Street**
9 **Las Vegas, NV 89109**

10 **Mr. Barger may testify consistent with his declaration.**

11 **16. Roger A. Blake**
12 **1101 Dumont Blvd.**
13 **Las Vegas, NV 89169**

14 **Mr. Blake may testify consistent with his declaration.**

15 **17. Dennis R. Carlisle, Jr.**
16 **10331 Silver Mine Road**
17 **South Jordan, UT 84095**

18 **Mr. Carlisle may testify consistent with his declaration.**

19 **18. Steven Congleton**
20 **57 Maracay**
21 **San Clemente, CA 92672**

22 **Mr. Congleton may testify consistent with his declaration.**

23 **19. Jose Contreras**
24 **707 E. Dome Street**
25 **Avenul, CA 93204**

26 **Mr. Contreras may testify consistent with his declaration.**

27 **20. Mike Cramer**
28 **6729 Nokomis Circle**
29 **Colorado Springs, CO 80915**

30 **Mr. Cramer may testify consistent with his declaration.**

31 **21. Shawn Donley**
32 **31660 Apache Road**
33 **Coarsegold, GA93614**

34 **Mr. Donley may testify consistent with his declaration.**

35 **22. Miguel Espinoza**
36 **2524 Edgeview Court**
37 **San Jose, CA**

1 **Mr. Espinoza may testify consistent with his declaration.**

2 **23. Ty Garner**
3 **7748 N. 387 Road**
4 **Locust Grove, OK 74352**

5 **Mr. Garner may testify consistent with his declaration.**

6 **24. John Edwin Horne**
7 **1774 W. Duke Ave.**
8 **Sutherlin, OR 97479**

9 **Mr. Horne may testify consistent with his declaration.**

10 **25. David Ivie**
11 **461 Willowwitch Road**
12 **Cedar Pines Park, CA 92322**

13 **Mr. Ivie may testify consistent with his declaration.**

14 **26. Tony D. Jones**
15 **10095 Lynn Ham Drive**
16 **Cordova, TN 38016**

17 **Mr. Jones may testify consistent with his declaration.**

18 **27. Jason Judkins**
19 **15000 W Tyemoore Road**
20 **Casper, WY 82604**

21 **Mr. Judkins may testify consistent with his declaration.**

22 **28. Rogelio Lizaola**
23 **13121 East Avenue Q**
24 **Palmdale, CA 93552**

25 **Mr. Lizaola may testify consistent with his declaration.**

26 **29. Jeff Lowery**
27 **675 6th Street**
28 **Bennett, CO 80102**

29 **Mr. Lowery may testify consistent with his declaration.**

30 **30. Jose Machado**
31 **14222 Sylan St, #5**
32 **Van Nuys, CA 91601**

33 **Mr. Machado may testify consistent with his declaration.**

34 **31. Kamil Mairena**
35 **Kamilmairena@yahoo.com**

36 **Mr. Mairena may testify consistent with his declaration.**

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1 **32. Allen Parker**
2 **5045 Alta Drive**
3 **San Bernardino, CA 92407**

4 Mr. Parker may testify consistent with his declaration.

5 **33. Robert Frank Redmond**
6 **6106 South Scorpio Drive**
7 **Kearns, UT 84118**

8 Mr. Redmond may testify consistent with his declaration.

9 **34. Kenneth Riggan**
10 **12136 West Electra Lane**
11 **Sun City, AZ 85373**

12 Mr. Riggan may testify consistent with his declaration.

13 **35. Brian Ritchie**
14 **1697 East Vine Street**
15 **Murray, UT 84121**

16 Mr. Ritchie may testify consistent with his declaration.

17 **36. Alvarado M. Rodriguez**
18 **1455 State Street, SPC 329**
19 **Hemet, CA 92543**

20 Mr. Rodriguez may testify consistent with his declaration.

21 **37. Larry Duane Roe**
22 **8118 Caspian Drive**
23 **Nampa, ID 83687**

24 Mr. Roe may testify consistent with his declaration.

25 **38. Michael Schwarz**
26 **18214 North Second Place**
27 **Phoenix, AZ 85022**

28 Mr. Schwarz may testify consistent with his declaration.

29 **39. Brad Schweinsberg**
30 **35950 Sunny hills Drive**
31 **Winchester, CA 92660**

32 Mr. Schweinsberg may testify consistent with his declaration.

33 **40. Joseph A. Smith**
34 **9623 Harvest View Way**
35 **Sacramento, CA 95827**

36 Mr. J. Smith may testify consistent with his declaration.

37 **41. Phillip Smith**

1 **302 White Oak Cove**
2 **Woodstock, GA 30188**

3 **Mr. P. Smith may testify consistent with his declaration.**

4 **42. Stanley Paul Solomon, Sr.**
5 **635 Silver Birch Lane**
6 **Old Town, ID 83822**

7 **Mr. Solomon may testify consistent with his declaration.**

8 **43. Kevin St. Clair**
9 **4250 South 1000 West, # 37**
10 **Riverdale, UT 84405**

11 **Mr. St. Clair may testify consistent with his declaration.**

12 **44. Vince Stillwell**
13 **340 West Street**

14 **Mr. Stillwell may testify consistent with his declaration.**

15 **45. Kenneth Lee Summerson**
16 **5402 E. 30th Street, Apt B2**
17 **Tucson, AZ 85711**

18 **Mr. Summerson may testify consistent with his declaration.**

19 **46. Claudine Watson**

20 **Ms. Watson may testify consistent with her declaration.**

21 **47. Timothy Wade Wickert**
22 **7076 Cherry Leaf Drive, Unit 104**
23 **West Jordan, UT 84084**

24 **Mr. Wickert may testify consistent with his declaration.**

25 **48. Matthew Wildes**

26 **Mr. Wildes may testify consistent with his declaration.**

27 **49. Antoine Williams**
28 **6801 W. Ocotillo Road, #2019**
29 **Glendale, AZ 85303**

30 **Mr. Williams may testify consistent with his declaration.**

31 **50. Ardele Wilson**
32 **P.O. Box 18824**
33 **Phoenix, AZ 85005**

34 **Mr. Wilson may testify consistent with his declaration.**

35 **51. Barbara Wright**

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1 **P.O. Box 9391**
2 **Tucson, AZ 85752**

3 **Ms. Wright may testify consistent with her declaration.**

4 **52.** Custodians of Records as necessary to establish foundation for the
admission of documents.

5 **53.** Any witness identified or disclosed in any party's Disclosure Statements,
motions, pleadings or discovery responses and not objected to by Defendants.

6 **54.** Any witness listed by Plaintiffs, and not objected to by Swift.

7 **55.** Any expert disclosed by any party.

8 **56.** Any persons subsequently identified through future investigation and
discovery and determined to be witnesses and not objected to by Swift.

9

10 **II. DOCUMENTS SWIFT MAY USE TO SUPPORT ITS CLAIMS OR**
11 **DEFENSES.**

12 As this litigation is in the early stages of discovery, Swift has not yet identified all
13 documents it may rely upon and reserves the right to supplement this portion of its
14 Disclosure Statement. Listing documents now is not an admission that they are
15 admissible for all purposes or any purpose. Swift has been searching and reviewing
16 hundreds of thousands of document and producing responsive documents over the last few
17 months. Swift has not yet identified what documents it might use at trial to certify a class
18 action. Swift has disclosed and produced those documents on a rolling basis and when
19 Swift is in a position to identify with more specificity the particular documents of those
20 produced it may use, it will do so. Swift can tentatively identify the following documents:

- 21
- 22 1. Daniel Employment Application, Bates labeled STC000001-000005.
23 2. Daniel Swift Contact Management, Bates labeled STC000006-000010.
24 3. Daniel Driver Recruiting Process, Bates labeled STC000011-000014.
25 4. Daniel US MVR Report, Bates labeled STC000015-000020.
26 5. Daniel Widescreen National Criminal Search, Bates labeled STC000021.
27 6. Daniel Security File, Bates labeled STC000022-000024.

- 1 7. Bell Employment Application, Bates labeled STC000025-000029.
2 8. Bell Contact Management, Bates labeled STC000030-000034.
3 9. Bell Driver Recruiting Process, Bates labeled STC000035-000037.
4 10. Hodges Employment Application, Bates labeled STC000038-000042.
5 11. Hodges Contact Management, STC000043-000047
6 12. Hodges Driver Recruiting Process, Bates labeled STC000048-000051.
7 13. Hodges US MVR Report, SSN Check, Transportation Employment History,
8 CDLIS+, Bates labeled STC000052-000057.
9 14. Hodges 20/20 Insight Bundled Request for Information, Bates labeled
10 STC000058-000066.
11 15. Hodges Security File, Bates labeled STC000067-000084.
12 16. Company Driver Hiring Criteria, effective date April 1, 2011, Bates labeled
13 STC000085-000090.
14 17. Swift Driver and Employment Applications, Bates labeled as STC000091-
15 000125.
16 18. HireRight DOT and FCRA Disclosure and Authorization forms, Bates
17 labeled as STC000126-000130.
18 19. FCRA Disclosure and Authorization forms, Bates labeled as STC000131-
19 000133.
20 20. Washington releases to order driving records, Bates labeled as STC000134-
21 000135.
22 21. Swift Recruiter Standard Operating Procedures, Bates labeled as
23 STC000136-000145.
24 22. Conviction forms, Bates labeled as STC000146-000147.
25 23. Swift Ranking Criteria and Company Driver Hiring Criteria, Bates labeled
26 as STC000148-000209.
27 24. Response to a Subpoena Duces Tecum from Southern State Community
28 College, Bates labeled as STC000210-000330. Affidavit of Custodian of Records from

1 Southern State Community College, Bates labeled as STC000211A-B.

2 25. Response to a Subpoena Duces Tecum from CRST International, Inc., Bates
3 labeled as STC000331-000452.

4 26. Response to a Subpoena Duces Tecum from DHL, Bates labeled as
5 STC000453-000455.

6 27. Applications and related documents Bates-labeled STC000456-099883 and
7 STC104789-113111 previously produced with Swift's responses to Plaintiffs' first set of
8 discovery requests.

9 28. Emails and related attachments Bates-labeled STC099884-104788 and
10 STC113112-126239 previously produced with Swift's responses to Plaintiffs' first set of
11 discovery requests.

12 29. Response to a Subpoena Duces Tecum from Keystone Diesel Institute,
13 Bates-labeled as STC126240-126317.

14 30. Response to a Subpoena Duces Tecum from Pennsylvania Department of
15 Labor and Industry, Bates-labeled as STC126318-126349.

16 31. Response to a Subpoena Duces Tecum from Lock Haven Distribution/
17 Rafko Enterprises, Bates-labeled as STC126350-126553.

18 32. Response to a Subpoena Duces Tecum from hhgregg, Bates-labeled as
19 STC126554-126558. Affidavit of Custodian of Records from hhgregg, Bates labeled as
20 STC126554A-B.

21 33. Response to a Subpoena Duces Tecum from Bellisio Foods, Bates- labeled
22 as STC126559-126608 and STC126608A-C.

23 34. Service agreement between USIS Commercial Services, Inc. and Swift
24 Transportation Company entered into on March 2, 2006, previously produced with Swift's
25 responses to Plaintiffs' first set of discovery requests as STC126609-126615.

26 35. Amendment to the Service Agreement dated December 17, 2009, previously
27 produced with Swift's responses to Plaintiffs' first set of discovery requests as
28 STC126616-126617.

1 36. Response to a Subpoena Duces Tecum from True Blue Inc./ Labor Ready,
2 Bates-labeled as STC126618-126680.

3 37. Applications and related documents, Bates-labeled STC126681-178720
4 previously produced with Swift's Amended Responses to Requests for Production.

5 38. Emails and related attachments Bates-labeled STC178721-212818
6 previously produced with Swift's Amended Responses to Requests for Production.

7 39. Application screen shots for Kelvin Daniels and Tanna Hodges, Bates-
8 labeled as STC212819-212831.¹

9 40. Response to a Subpoena Duces Tecum from C.R. England, Bates labeled as
10 SDT-CRE000001-000155 and SDT-CRE000156-000159.

11 41. Applications and related documents previously produced on June 8, 2012,
12 Bates-labeled as STC212832-254274.

13 42. Emails and related attachments previously produced on June 8, 2012, Bates-
14 labeled as STC254275-256173.

15 43. Response to a Subpoena Duces Tecum from Priority Courriers, Inc., Bates
16 labeled as SDT-PCI000001-000004.

17 44. Response to a Subpoena Duces Tecum from Teague Enterprises of Atlanta,
18 LLC, Bates labeled as SDT-TEA000001-000002.

19 45. Response to a Subpoena Duces Tecum from Moultrie Technical College of
20 Atlanta, LLC, Bates labeled as SDT-MOU000001-6.

21 46. Thumb drive previously produced on June 29, 2012, Bates labeled as
22 STC256174.

23 47. Hard drive previously produced on June 29, 2012, Bates labeled as
24 STC256175.

25 48. Orientation Sample Driver Employment Application, Bates labeled as
26 STC256176-256179.

27 49. Applications and related documents previously produced on July 20, 2012,

28 ¹ These documents are being produced in two formats, the original and an enlarged
version, for ease of review.

1 Bates-labeled as STC256180-312963.

2 50. Emails and related attachments previously produced on July 20, 2012,

3 Bates-labeled as STC312964-327021.

4 51. E-mail re FCRA adverse action disqualification process, Bates labeled as
5 327022-327026.

6 52. E-mails re Swift FCRA procedures, Bates labeled as STC327027-327048.

7 53. Swift Security Video played during orientation, Bates labeled as
8 STC327049.

9 54. Emails and related attachments, Bates-labeled as STC327050-342389.

10 55. Acknowledgement authorizing Swift Transportation Inc. to conduct
11 investigation into background, Bates labeled as STC342390-342391.

12 56. Articles and information related to FCRA, Bates labeled as STC342392-
13 34205.

14 57. Morgan Lewis publication titled "FTC Cracks Down on Companies that Fail
15 to Give FCRA-Required Notice to Rejected Job Applicants and Fired Workers" dated
16 August 27, 2009, Bates labeled STC342406-342412.

17 58. Account information form , Bates labeled as STC342413.

18 59. Internet preference information for Swift Transportation Company, Bates
19 labeled as STC342414-342415.

20 60. Service agreement between USIS Commercial Services, Inc. and Swift
21 Transportation Company entered into on March 2, 2006, Bates labeled as STC342416-
22 342423.

23 61. Account information form, dated August 27, 2008, Bates labeled as
24 STC342424.

25 62. Amendatory Agreement USIS Pricing Packages for Swift Transportation,
26 dated July 1, 2008, Bates labeled as STC342425.

27 63. Account information forms, Bates labeled as STC342426-342429.

28 64. Security interview questionnaire, Bates labeled as STC342430.



- 1 65. Letter of authorization dated August 26, 2008, Bates labeled as STC342431.
- 2 66. Letters of authorization dated August 19, 2004, Bates labeled as
- 3 STC342432-342434.
- 4 67. U.S. Department of Transportation's Guidelines for conducting an employee
- 5 background check, Bates labeled as STC342435.
- 6 68. Company Driver Hiring Criteria, Bates labeled as STC342436-342441.
- 7 69. HireRight Disclosure and Authorization form, Bates labeled as STC342442-
- 8 342443.
- 9 70. Letter from Tamara Strickland to Willie Scruggs dated December 9, 2011,
- 10 Bates labeled as STC342444-342447.
- 11 71. Employment Application, Bates labeled as STC342448-342453.
- 12 72. Non-Driver offer letters, Bates labeled as STC342454-342459.
- 13 73. Adverse action notice letters, Bates labeled as STC342460-342465.
- 14 74. Article printed in Truckinginfo.com on April 15, 2011 titled "Fair Credit
- 15 Reporting Act Affects Driver Hiring", Bates labeled as STC342466.
- 16 75. Non-driver background investigation release, Bates labeled as STC342467.
- 17 76. Non-driver FCRA disclosure and authorization form, Bates labeled as
- 18 STC342468.
- 19 77. Letter from Tamara Strickland to Willie Scruggs dated December 9, 2011,
- 20 Bates labeled as STC342469-342472.
- 21 78. Recruiter training manual, Bates labeled as STC342473-342524.
- 22 79. Emails and related attachments, Bates labeled as STC342534-343114.
- 23 80. Emails and related attachments, Bates labeled as STC343115-346214.
- 24 81. Screen shot of security interview for Kelvin Daniels and Tanna Hodges,
- 25 Bates labeled as STC346215-346218.
- 26 82. Recruiter checklist, previously produced on July 28, 2012 as STC346219-
- 27 346220.
- 28 83. Emails and related attachments previously produced on July 28, 2012, as

1 STC346221-346414.

2 84. Best DriverJobs.Com Driver Application, Bates labeled as STC346415-
3 346417.

4 85. Emails and related attachments previously produced on August 7, 2012,
5 previously produced as STC346418-643885.

6 86. Security Documentation Approving Applicants Who Successfully Disputed
7 Criminal Report Information, bates labeled as STC643886-644142.

8 87. Amended final order and judgment; Notice of class action settlement;
9 Settlement agreement and release; and Final order and judgment for Case No. 3:09-cv-
10 625, Bates labeled as STC644143-644253.

11 88. Non-Driver applications and related documents previously produced on
12 August 22, 2012, Bates labeled STCND000001-032798.

13 89. Applications and related documents, Bates labeled STC644254-645044.

14 90. Emails and related attachments, Bates labeled **STC645045-645087**.

15 91. Declaration of Patricia Ramos, Bates labeled as STC645088-645090.

16 92. Declarations of applicants who applied for Driver positions with Swift,
17 Bates labeled STC645091-645207.

18 93. Email exchange between Brian Foster and Gregg Freeman dated July 16-20,
19 2012, Bates labeled as STC645208-645603.

20 94. Recruiting telephone script dated June 15, 2010, Bates labeled as
21 STC645604.

22 95. Recruiting telephone script dated January 31, 2012, Bates labeled as
23 STC645605.

24 96. Recruiter checklist, Bates labeled as STC645606.

25 97. Post 2009 Swift facsimile and in-person employment applications, Bates
26 labeled as STC645607-645721.

27 98. **Swift applications and related documents, Bates labeled STC645722-**
28 **645801.**

99. All tangible items produced in response to requests for production, interrogatories or attached to any party's Disclosure Statement, motion or pleading and not otherwise objected to by Swift.

100. All admissible portions of deposition testimony, not otherwise objected to by Swift.

101. Any exhibit listed by Plaintiffs and not otherwise objected to by Swift.

III. COMPUTATION OF DAMAGES.

Swift is not currently claiming any damages against Plaintiffs. Swift reserves the right to seek to recover its costs and attorneys' fees incurred in connection with the defense of this action.

IV. INSURANCE AGREEMENT.

As previously disclosed Swift has an Employment Practices Liability Insurance policy that it believes provides coverage for the claims asserted. That policy is through National Union Fire Insurance Co. of Pittsburgh, Pa. The claims administrator for that policy is Chartis Claims, Inc. Swift also has an excess insurance policy for which it believes coverage for the claim asserted exists. That excess policy is through Twin City Fire Insurance Co., and the claims administrator for that excess policy is The Hartford Financial Products Claims Dept. Upon request, Swift will make the policies available for inspection and copying.

DATED this 11th day of September 2012

SNELL & WILMER L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that September 11, 2012, I sent via Federal Express a copy of the foregoing document to the following:

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And via E-Mail a copy of the foregoing document to the following:

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